

REMARKS

Claim 1 is amended. New claims 4-5 are presented. The amended and new claims are fully supported by the application as originally filed, for example, the description of figure 3 beginning on page 8 of the application. No new matter is added.

Figures 5-7 are objected to as not designating by legend such as --Prior Art -- that which is old. Corrected drawings including the legend --Prior Art -- are attached for Examiner's approval. Applicants request that the objection be withdrawn.

Claims 1-3 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for using the term "near". Applicants traverse the rejection to the extent that it can be maintained.

Claim 1 is amended to delete the offending term. Applicants request that the rejection be withdrawn.

Claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by Yamaguchi (US 4,469,190). Applicants traverse the rejection to the extent that it can be maintained.

Briefly, Applicants' invention provides a layout structure for a fuel pump of a motorcycle that provides greater flexibility of design than prior layout structures. The fuel pump is disposed away from the engine in a space defined by rear wheel suspending parts and below a swing shaft for the swing arm.

Yamaguchi ('190) discloses a fuel tank assembly comprising a main tank and an auxiliary tank. A fuel pump on a fuel conduit is disclosed (column 4 line 19). The fuel pump may be provided in the auxiliary tank (column 9 line 22, and figure 30). Although there is description in '190 of the operation of the fuel pump (column 9 lines 22-64), there is no description of a layout structure for the fuel pump. Figure 1 shows the pump 13 above the swing arm and swing arm shaft (unnumbered). In sharp contrast, the layout structure as claimed recites that the fuel pump is disposed in a space defined between the rear wheel suspending parts and below a swing shaft for the swing arm. Figures 4, 14, 30 and 32 of '190 also show a fuel pump but do not disclose a position of the pump with respect to the overall motorcycle structure. Applicants respectfully

Amendments to the Drawings

The attached sheets of drawings include changes to figs. 5-7. These sheets, which include Figs. 5-7, replace the original sheets including Figs. 5-7.

submit that the layout structure described in '190 fails to disclose the layout structure as claimed by Applicants and therefore does not anticipate claim 1.

Claims 2-5 depend from claim 1 and relate to a supporting structure for a fuel case enclosing the fuel pump. The '190 patent does not disclose a supporting structure for an auxiliary fuel tank enclosing a fuel pump. Applicants respectfully submit that '190 fails to disclose the supporting structure as claimed by Applicants and therefore does not anticipate claims 2-5.

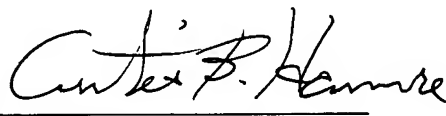
For the reasons stated above, Applicants respectfully submit that US 4,469,190 does not anticipate claims 1-5 and request that the rejection be withdrawn.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

Dated: March 7, 2005

By 
Curtis B. Hamre
Reg. No. 29,165

